IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Bail Appl..No. 1551 of 2007()

C.R.NO.19/07 OF THIRUVALLA EXCISE RANGE

: PETITIONER/ACCUSED

THAMPAN @ P.C.KUTTAN, S/O. CHACKO,
AGED 60 YEARS, PUNNETTAKUNNIL VADAKKUMCHARUVIL
HOUSE, VALLAMKULAM KIZHAKKUM MURY,
ERAVIPEROOR VILLAGE.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1551 OF 2007 D

Dated this the 20th day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the first accused in C.R. No.19/07 of Thiruvalla Excise Range for an offence punishable under Sec.8(2) of the Abkari Act(may be appropriated penal provision is Sec.55(a)) for allegedly having been found in possession of 223 liters of rectified spirit on 23.2.07 from the property of one Rajappan Nair and accused Nos.2 and 3, seeks his enlargement on bail. Petitioner was arrested on 23-2-2007.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to Annexure-II letter dated 23.2.07 issued by the Mother Superior of St. Mary's Convent, Kozhimala, Vallamkulam East to the effect that the petitioner is a permanent worker of the said Convent and he is not known to have any bad habits and he does not appear to have involved in the case alleged by the prosecution, I am inclined to give the petitioner the benefits of the said letter and grant him bail. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the

J.F.C.M., Thiruvalla and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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